



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 17, 2023

By ECF

The Honorable Kenneth M. Karas
United States District Judge
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Daniel Libit v. United States Military Academy et al.*, No. 23 Civ. 00845 (KMK)

Dear Judge Karas:

This Office represents the United States Military Academy (the “USMA” or the “Government”) in this action brought by Plaintiff Daniel Libit (“Plaintiff”) under the Freedom of Information Act (“FOIA”). This case concerns FOIA requests submitted by Plaintiff to USMA and the Army West Point Athletic Association (“AWPAA”) seeking records concerning USMA’s intercollegiate athletics programs.

On July 20, 2023, the parties submitted a joint status update in which they advised the Court of their agreement that USMA would process Plaintiff’s FOIA requests at a rate of 300 pages per month with the first production due on August 18, which the Court so-ordered on July 25, 2023. I write respectfully to request that the Court adjust the schedule such that 160 pages would be processed in the period ending on August 18. The reason for this request is that USMA anticipates that it will be unable to process 300 pages by August 18 because the processing of the first 160 pages has taken longer than expected and the Department of Army personnel involved in the processing of Plaintiff’s FOIA requests have been engaged in processing other FOIA requests as well. However, USMA will process 300 pages per month in its productions thereafter. I have conferred with Plaintiff who consents to this request. I thank the Court for its attention to this matter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Elizabeth J. Kim
ELIZABETH J. KIM
Assistant United States Attorney
Tel.: (212) 637-2745
Email: Elizabeth.Kim@usdoj.gov